

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

**STATE OF IOWA** *ex rel.*  
THOMAS J. MILLER,  
ATTORNEY GENERAL OF IOWA,

Plaintiff,

v.

**HEALTH CENTER, INC.;** and

**PEGGY L. PEARCE;**

Defendants.

**EQUITY No. EQCE 080639**

**CONSENT JUDGMENT**

The Court, having been presented by Assistant Attorney General Steve St. Clair with this Consent Judgment, finds and orders as follows:

1. Plaintiff State of Iowa *ex rel.* Thomas J. Miller, Iowa Attorney General, has filed a Petition in Equity against the above-captioned Defendants pursuant to Iowa Code § 714.16, the Iowa Consumer Fraud Act (“CFA”); Iowa Code § 714.16A, the Older Iowans Act; and this Consent Judgment, which has been approved by all of the above-named Defendants, is intended to resolve this litigation.

2. The Court has jurisdiction of the parties and subject matter.

3. The Court finds that this Consent Judgment should be entered.

**IT IS THEREFORE ORDERED**, pursuant to Iowa R. Civ. P. 1.1501 *et seq.*, the Iowa Consumer Fraud Act (Iowa Code § 714.16), that Defendants, and each of them, and Dorinda Lee Estrada, and (as applicable) their directors, officers, principals, partners, employees, agents, servants, representatives, subsidiaries, affiliates, successors, assigns, merged or acquired

predecessors, parent or controlling entities, and all other persons, corporations and other entities acting in concert or participating with any one or more Defendants who have actual or constructive notice of the Court's injunction, are permanently restrained and enjoined from: Engaging in the marketing of any health- or nutrition-related products to Iowa residents; and from directly or indirectly selling, renting, sharing, transferring, making available for use by others, or making any use whatsoever of the names and/or other identifying information of persons with Iowa addresses who were customers of Health Center, Inc. ("HCI") at any time; provided however that Defendants are not in violation of the foregoing to the extent that they fill orders from Iowa residents who affirmatively and without prompting contact HCI to place an order; fill an order that was placed prior to the signing of this document by HCI; or wholesale product to third parties whose marketing is not controlled in whole or in part by any Defendant. The Defendants are further directed to prepare an agreement for execution by each employee and independent contractor that directs that each such employee and independent contractor is precluded from violating the terms of this Consent Judgment and that each such employee and independent contractor shall not use contact information obtained from Health Center, Inc. for any other purposes whatsoever.

**IT IS FURTHER ORDERED** that, pursuant to Iowa Code § 714.16, Defendant HCI and each Defendant with an ownership interest in and/or full or partial control over HCI shall immediately take all steps necessary to ensure that: no previous Iowa purchaser of any health- or nutrition-related products from HCI who fails to make any remaining payments or satisfy any financial obligation stemming from such purchases is subjected by HCI directly or indirectly to any efforts to collect; and any previous Iowa purchasers who request a refund of any past

payments stemming from such purchases within the last five years, who have not already been identified to the Attorney General as past purchasers by HCI, shall promptly receive a refund in an amount at least proportional to refunds made pursuant to the Attorney General's distribution of refunds referred to in the next paragraph.

**IT IS FURTHER ORDERED** that Defendants pay \$16,042.03 to the Attorney General, to be applied by the Attorney General's office in its discretion to making full or partial payments to Iowa consumers of previously unrefunded amounts they paid to HCI. To the extent that consumers eligible for payments cannot be located through reasonable efforts, the money that is not paid to consumers shall be retained by the Attorney General to be used by the Attorney General for the administration and implementation of the CFA, pursuant to Iowa Code § 714.16(7), and shall be deposited into the fund created by Iowa Code § 714.16A.

**IT IS FURTHER ORDERED** that the Court retain jurisdiction to enforce this Consent Judgment.

**IT IS FURTHER ORDERED** that the Defendants pay court costs, if any.

**SO ORDERED.**

Approved:

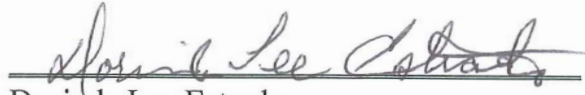
Date: 9/13/16

Peggy L. Pearce  
Health Center, Inc.,  
by: Peggy L. Pearce, Owner and Officer

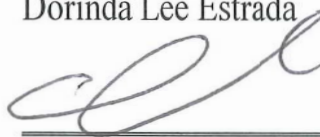
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Peggy L. Pearce  
Peggy L. Pearce

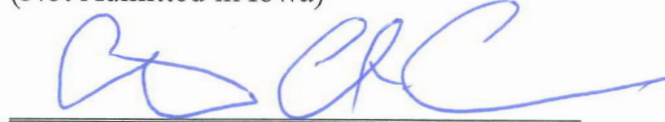
Date: 9/13/2016

  
Dorinda Lee Estrada

Date: 9/14/2016

  
David G. Gabor  
Counsel for Defendants  
(Not Admitted in Iowa)

Date: 9-27-2016

  
Assistant Attorney General Steve St. Clair



State of Iowa Courts

**Type:** STIPULATED DECREE

**Case Number**      **Case Title**  
EQCE080639      STATE EX REL MILLER VS HEALTH CENTER INC ET AL

So Ordered

A handwritten signature in black ink, appearing to read "David May", is written over a horizontal line.

David May, District Court Judge,  
Fifth Judicial District of Iowa